



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

September 21, 2009

John Brown  
Director of Historic Preservation  
Narragansett Indian Tribe  
Post Office Box 268  
Charlestown, RI 02813

Re: Algonquin Drive Sewer Project

Dear Mr. Brown:

First, I want to thank you for a very productive conversation regarding the unique situation of eight residents of Algonquin Drive. They are currently using failed cesspools and septic systems which are posing a significant threat to water quality in the coastal area of Narragansett Bay and also a public health threat to area residents exposed to contaminated runoff.

As you know, Native American artifacts were encountered during an archeological assessment of this area. Consequently, the work has stopped to give EPA and the Narragansett Tribe an opportunity to consult on the best way to handle these situations on a statewide basis. You had previously stated that in a situation where public health was a concern you would be willing to work with us to allow these families to connect with the sewer lines in order to mitigate a significant public health and environmental problem. We intend to concurrently pursue a more sustainable solution to the implementation of the NHPA for the remainder of this project, as well as future projects within the State of Rhode Island.

The overall purpose of this letter is to confirm the details of our verbal agreement. My understanding is that the Warwick Sewer Authority can proceed to connect eight homes on Algonquin Drive provided that any excavation is closely monitored by the archeological consultant firm, Public Archeology Laboratory, and that all artifacts found will be handled in a manner that will ensure their preservation and safe delivery to the Tribe. I also understand that if possible, you will have a tribal member at the site to oversee the management of the artifacts.

In order to ensure a smooth execution of this process, we will request that the Warwick Sewer Authority provide you with a schedule of the work well in advance. Once again, I thank you and appreciate your assistance with the protection of public health and environmental quality. I look forward to working with you to ensure that Native American artifacts are handled respectfully and with care now, and in the future.

Sincerely,

A handwritten signature in black ink, reading "Lois K. Adams", is written over a horizontal line.

Lois K. Adams, Chief  
Grants, Tribal, Community and Municipal Assistance Branch

Cc: Alan Levellee, PAL  
Jeannine Burke, WSA  
Jackie LeClair, EPA  
George Frantz, EPA

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**Alan D. Leveillee**

**From:** Alan D. Leveillee  
**Sent:** Friday, September 19, 2008 10:33 AM  
**To:** 'adams.lois@epa.gov'  
**Cc:** 'JAMES.E.FEENEY.III@warwickri.com'; 'janine.l.burke@warwickri.com'; 'travenelle@graengs.com'  
**Subject:** Warwick Sewers Archaeology  
**Attachments:** Copy of ~ PAL Master Budget 2007 Warwick Sewer Bayside I.pdf; 2214.01 Warwick Sewers Bayside 2 Summary Report.pdf

Dear Lois,

Attached for your use and consideration please find the effort breakdown for the archaeological investigations within the Mill Cove Brook site (evaluation and mitigation plan) in the Bayside 1 sewer segment, Warwick, RI. We are presently approximately half way through the time and effort. Also attached is a summary report following Phase I(c) (presence/absence) archaeological survey in the adjacent Bayside 2 sewer segment into which extends the Mill Cove Brook Site.

In the technical proposal for the evaluation and mitigation work on the Mill Cove Brook Site we noted that "excavations will be coordinated with RIHPHC and NITHPO. Any features that are considered potential ceremonial or burial-related deposits will be identified as such and in those cases excavation will be suspended while consultation takes place with WSA, RIHPHC, and NITHPO." As you know, several such features have been identified to date, and while the NITHPO has communicated concern of them, they have not made themselves further available due to circumstances as discussed during our 9-12-08 meeting.

On page 14 of the (attached) Bayside 2 summary report, we go into more detail on the subject of consultation and coordination with NITHPO and RIHPHC.

As a practical matter, compliance with 106 requires both archaeological and anthropological applications; archaeology being the technical side and anthropology addressing cultural, traditional, and ideological aspects. Accordingly, I've stated my opinion that on the Mill Cove Brook Site the Native voice is imperative for us to move forward and achieve the goals/requirements of 106. From my perspective (now and over time), the issue of compensation has been a sticking point. And the question of how much compensation is "reasonable" can easily lead to stalemate.

To put my position as plainly as I can- If I could have one authoritative Native voice on site to engage in a dialogue relative to our findings, interpretations, and appropriate sensitivities, we would be in a position to move forward secure in the knowledge that we (WSA, EPA, PAL) are effectively listening to and taking appropriately into consideration Native concerns and interests in fulfillment of the intent of 106. Should NITHPO decide not to engage in the consultation process, without that on-site Native voice we are required to move forward in an atmosphere of acrimonious uncertainty.

I am encouraged that EPA and the Tribe are now discussing an agreement and the issue of EPA funded compensation; and I look forward to your success.

Respectfully,

Alan

*Alan Leveillee, RPA  
Senior Archaeologist  
PAL  
210 Lonsdale Avenue  
Pawtucket, RI 02860  
tel 401.728.8780*

9/19/2008